Simple Lawsuit Peace Effort Based on Regulation of the Supreme Court Number 2 of 2015 concerning Procedures Simple Lawsuit Settlement

[1]Dian Latifiani, [2]Viola Krisma Helena Lamtiur Sitanggang
{dianlatif@mail.unnes.ac.id[1], viola.sitanggang1997@gmail.com[2]}

[1,2,]Faculty of Law Universitas Negeri Semarang. Indonesia

Abstract. Efforts to reconcile in a simple lawsuit are emphasized in Article 15 paragraph (1) of the Regulation of the Supreme Court Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which states that on the day of the first trial, the judge is obliged to seek reconciliation by taking into account the time limit. Also, Article 15 paragraph (2) explains that the peace effort shall exclude the provisions stipulated in the provisions of the Supreme Court of the Republic of Indonesia regarding the mediation procedure. Furthermore, Article 15 paragraph (3) states that if peace is reached, the Judge makes a Decision on the Deed of Peace that binds the parties. Thus, it can be seen in the PERMA in this Simple Lawsuit that the procedure for implementing a simple lawsuit is not regulated in detail and detail. So this study discusses how to implement peace efforts in a Simple Lawsuit in realizing the principle of fast, simple, and low cost (Study at the Ungaran District Court).

Keywords: Mediation; Simple Lawsuit; Civil Cases; Court

1. Introduction

Simple Lawsuits are guided by Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. A simple lawsuit or commonly known as the Small Claim Court is a procedure for examining a civil lawsuit with a material claim value of a maximum of Rp. 200,000,000.00 which is settled with simple procedures and evidence. What distinguishes a simple lawsuit from an ordinary lawsuit is the value of the material loss which is more specifically determined in a simple lawsuit, which is a maximum of Rp. 200,000,000.00. Meanwhile, ordinary lawsuits have no limitation on the amount of material losses. In addition, simple lawsuits are examined and decided by a single judge within the scope of the general court's authority. [1]

However, the Supreme Court issued a Supreme Court Regulation (PERMA) on August 20, 2019 concerning Amendments to PERMA 2 of 2015 concerning Settlement Procedures. PERMA Number 4 of 2019 is the result of an evaluation of the implementation of PERMA Number 2 of 2015 which is considered not optimal and effective. In PERMA Number 4 of 2019 there are several changes, such as changes in the maximum value of the lawsuit amounting to Rp. 500,000,000.00 (five hundred million rupiahs) which previously in PERMA Number 2 of 2015 the maximum value of the lawsuit was Rp. 200,000,000.00 (two hundred million rupiahs).), In addition, PERMA Number 4 of 2019 also expands the filing of a lawsuit if the plaintiff is outside the jurisdiction of the defendant's domicile. In addition, PERMA Number 4 of 2019 can also use case administration electronically (e-court). [2]

The obstacle in a simple lawsuit is related to the period of settlement of the case within 25 (twenty five) working days and also the time for the panel of judges to decide on the application for objection which is very short, which is 7 (seven) days from the date of determination of the panel of judges. A simple lawsuit (small claim court) is considered to be still unable to handle and resolve civil cases in accordance with the principles of fast, simple, and low cost. In practice, the settlement of ordinary cases often takes a long time, even for lawsuits that actually do not require complicated methods of proof. [3]

Civil cases in simple lawsuits are increasingly realizing the principle of fast, simple, and low cost if the civil case is resolved through peace efforts. In this case, the effort to reconcile in a simple lawsuit is emphasized in Article 15 (1) of the Regulation of the Supreme Court Number 2 of 2015 concerning Procedures for Settlement of a Simple Lawsuit which states that on the day of the first trial, the judge is obliged to seek reconciliation by taking into account the time limit. Also, Article 15 paragraph (2) explains that the peace effort shall exclude the provisions stipulated in the provisions of the Supreme Court of the mediation procedure. Furthermore, Article 15 paragraph (3) states that e Judge makes a Decision on the Deed of Peace that binds the parties.

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The peace deed is final and the finding is no longer open for the parties to use legal remedies, namely the peace deed does not apply to objections. This is shown in Article 15 paragraph (4) of PERMA No. 2 of 2015 that No legal action can be filed against the Deed Decision. Meanwhile, if the reconciliation effort is not achieved, then the Court issues the minutes of the trial which must be given to the parties and continue the trial at the evidentiary stage. However, the Supreme Court issued Supreme Court Regulation (PERMA) Number 4 of 2019 on August 6, 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. This is shown in Article 15 paragraph (4) of PERMA No. 2 of 2015 that No legal action can be filed against the Deed Decision. Meanwhile, if the reconciliation effort is not achieved, then the Court issues the minutes of the trial which must be given to the parties and continue the trial at the evidentiary stage. However, the Supreme Court issued Supreme Court Regulation (PERMA) Number 4 of 2019 on August 6, 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. This is shown in Article 15 paragraph (4) of PERMA No. 2 of 2015 that No legal action can be filed against the Deed Decision. Meanwhile, if the reconciliation effort is not achieved, then the Court issues the minutes of the trial which must be given to the parties and continue the trial at the evidentiary stage. However, the Supreme Court issued Supreme Court Regulation (PERMA) Number 4 of 2019 on August 6, 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. If the reconciliation effort is not achieved, then the Court issues the minutes of the trial which must be given to the parties and continue the trial at the evidentiary stage. However, the Supreme Court issued Supreme Court Regulation (PERMA) Number 4 of 2019 on August 6, 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. If the reconciliation effort is not achieved, then the Court issues the minutes of the trial which must be given to the parties and continue the trial at the evidentiary stage. However, the Supreme Court issued Supreme Court Regulation (PERMA) Number 4 of 2019 on August 6, 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits.

Based on this description, the authors are interested in studying and analyzing the Efforts to Reconcile a Simple Lawsuit Based on the Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of a Simple Lawsuit in Realizing the Fast, Simple, and Low Cost Principle (Study at the Ungaran District Court). Based on the title, the writer gets the problem formulation, namely how is the implementation of peace efforts in the Simple Lawsuit in realizing the principle of fast, simple, and low cost (Studies at the Ungaran District Court)? The purpose of this study is to analyze the implementation of Article 15 paragraph 2 of the Regulation of the Supreme Court Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits in realizing the principle of fast, simple, and low cost. The writer of this thesis uses the Legal Purpose Theory approach according to Gustav Radburch, namely the theory of justice, expediency, and legal certainty. Also, the author uses the Theory of Judicial Power approach. Efforts to prove the originality of the research that has been carried out, the authors in this case need to present several existing studies related to this research, including: (1) Research conducted by Mitha Ratnasari entitled "Implementation of Supreme Court Regulation Number 2 Year 2015 concerning Procedures for Settlement of Simple Lawsuits (Case Study Case No. 8/Pdt.GS/2017/PN.SDA)". (2) Putra Raditya Pratama entitled "Juridical Review of a Simple Lawsuit in the Perspective of Simple, Fast, and Low Cost Judicial Principles (Case Study Decision Number 13/Pdt.GS/2017/Pn. Mdn)". namely the theory of justice, expediency, and legal certainty. Also, the author uses the Theory of Judicial Power approach. Efforts to prove the originality of the research that has been carried out, the authors in this case need to present several existing studies related to this research, including: (1) Research conducted by Mitha Ratnasari entitled "Implementation of Supreme Court Regulation Number 2 Year 2015 concerning Procedures for Settlement of Simple Lawsuits (Case Study Case No.8/Pdt.GS/2017/PN.SDA)". (2) Putra Raditya Pratama entitled "Juridical Review of a Simple Lawsuit in the Perspective of Simple, Fast, and Low Cost Judicial Principles (Case Study Decision Number 13/Pdt.GS/2017/Pn. Mdn)". namely the theory of justice, expediency, and legal certainty. Also, the author uses the Theory of Judicial Power approach. Efforts to prove the originality of the research that has been carried out, the authors in this case need to present several existing studies related to this research, including: (1) Research conducted by Mitha Ratnasari entitled "Implementation of Supreme Court Regulation Number 2 Year 2015 concerning Procedures for Settlement of Simple Lawsuits (Case Study Case No.8/Pdt.GS/2017/PN.SDA)". (2) Putra Raditya Pratama entitled "Juridical Review of a Simple Lawsuit in the Perspective of Simple, Fast, and Low Cost Judicial Principles (Case Study Decision Number 13/Pdt.GS/2017/Pn. Mdn)". Efforts to prove the originality of the research that has been carried out, the authors in this case need to present several existing studies related to this research, including: (1) Research conducted by Mitha Ratnasari entitled "Implementation of Supreme Court Regulation Number 2 Year 2015

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2. Method

This article used a qualitative approach defines that qualitative research is scientific research.[4] The type of research used is juridical-normative. Normative legal research is conducted by examining library materials or secondary data. [5] Sources of data used in this study is secondary data. Secondary data is data obtained from library research. Data collection techniques in legal research are studied and analyzed based on secondary data or can be called literature studies. Literature study is a method of collecting data by studying library books to obtain secondary data by studying the legal materials. The author also adds to this research data by conducting interviews with informants. Informants are anyone who answers a list of questions from researchers when conducting interviews who are used as sources of information about what is known in this case is the relevant agency. In this thesis, using source triangulation technique.

3. Results and Discussion

3.1. History of Civil Cases in Simple Lawsuits at the Ungaran District Court

After the promulgation of Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. The following is a history of civil cases in a simple lawsuit recorded at the Ungaran District Court. It is clear that in 2016 and 2017 there were no civil cases recorded in the Simple Lawsuit. However, in 2018 it was recorded that there were 16 incoming cases and 14 dropped cases. Also, in 2019 there were 51 incoming cases and 82 dropped cases. The following is a history of civil cases in a simple lawsuit that was entered at the Ungaran District Court, as follows:

Table 1. History of Civil Cases in Simple Lawsuits at the Ungaran District Court

Tahun	Perkara Masuk	Perkara Putus
2016	0	0
2017	0	0
2018	16	14
2019	16	14

Source: Ungaran District Court Archives and Processed into Tables by the Author January 20, 2020

3.2. Implementation of Peacekeeping Efforts on Simple Lawsuits in Realizing Fast, Simple, and Low Cost Principles (Study at the Ungaran District Court)

A simple lawsuit is a procedure for examining a civil suit in court with a material claim of a maximum value of Rp. 200,000,000.00 (two hundred million rupiah) which is settled by a simple

procedure of proof .[8] A simple lawsuit is included in the authority or scope of the general court. Not all civil cases can be resolved with a simple lawsuit. Civil lawsuits that can be categorized as simple lawsuits as referred to in Article 3 and Article 4 of the Regulation of the Supreme Court (PERMA) Number 2 of 2015, namely[9]:

a) Disputes of breach of contract or default and /or lawsuits against the law with a maximum material claim value of Rp 200,000,000 (two hundred million rupiah).
b) Not a case that falls within the competence of a special court.
c) Not a dispute over land rights.
d) The Plaintiff and Defendant are not more than one each, unless they have the same legal interest.
e) The defendant's place of residence must be known.
f) Plaintiff and Defendant must be domiciled in the same jurisdiction.

Also, the settlement of a simple lawsuit based on Article 5 paragraph (3) of the Regulation of the Supreme Court (PERMA) Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits is no later than 25 (twenty five) days from the day of the first trial. The day referred to in Article 1 number 4 is a working day [10]. In the settlement of cases in a Simple Lawsuit which only takes 25 (twenty five) working days, resulting in the absence of a Replic and Duplicate process which is the hallmark of a simple lawsuit examination.[11]

The stages of settling a simple lawsuit include: (1) registration; (2) completeness check; (3) determination of judges and appointment of substitute clerks;(4) preliminary examination; (5) determination of the trial day and summons of the parties; (6) trial and reconciliation examination; (7) proof; (done in case of unsuccessful mediation efforts), (8) decision.

The Supreme Court of the Republic of Indonesia issued PERMA Number 2 of 2015 concerning procedures for the settlement of simple lawsuits. The initial process for filing a lawsuit is simple, namely registering a simple lawsuit at the Registrar's Office. The Plaintiff is required to fill in the available form, containing information on the identity of the Plaintiff and Defendant, a brief explanation of the case and the Plaintiff's demands. This shows that the Plaintiff in the Simple Lawsuit only needs to fill in the blank provided by describing the facts and evidence.[3]

The completeness check is the stage the clerk examines the civil case file, whether it is a simple lawsuit or not a simple lawsuit as stated in Article 3 and Article 4 of the Supreme Court Regulation (PERMA) Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. If it meets the requirements, it will be recorded in a special register book for simple claims and if it does not meet the requirements, the Registrar will return the claim. [12]

The next stage is the determination of the judge and the appointment of a substitute clerk. In this case, the stipulation of a single judge is carried out by the chairman of the district court and the stipulation of a substitute clerk is carried out by the registrar. Makmur Pakpahan (2019) explained that the number of judges in the Simple Lawsuit was one person. It is the judge who mediates the Parties. Also, if mediation is not reached, the judge who examines the case reaches the decision stage.

Then, a preliminary examination is carried out by a single judge who has been chosen by the chairman of the district court. A single judge who examines civil cases in simple lawsuits is called a case examiner judge. The judge examining the case examined the material of a simple lawsuit. If the judge examining the case considers that the civil case is not a simple lawsuit, the Judge issues a ruling stating that the lawsuit is not a simple lawsuit and the Registrar clears the case from the case register and orders the return of court fees to the Plaintiff. There is no legal remedy against this determination. However, if the judge examining the case considers that the lawsuit is a simple lawsuit, the judge examining the case will determine the day of the first trial.[13] Before entering on the day of the first trial, the case examining judge summons the parties. As stated in Article 13 of PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which explains that if the plaintiff is not present on the first day of trial without a valid reason, then the lawsuit is declared void. However, if the Defendant is not present on the day of the first trial, a second summons shall be properly made. If the Defendant is not present at the second trial, the judge decides the case verstek. However, if the Defendant is present on the day of the first trial and on the day of the next trial he is not present without a valid reason, then the claim is examined and decided contradictory. [14]

However, the Plaintiff and the Defendant are present at the first trial, the judge examining the case is obliged to make peace efforts in a Simple Lawsuit as has been confirmed in Article 15 paragraph (1) PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which states that judges must seek reconciliation by taking into account the time limit in a simple lawsuit is 25 working days

from the day of the first trial. In Article 15 paragraph (2) in PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which confirms that the reconciliation efforts made by the examining judge of the case exclude the provisions stipulated in the Supreme Court Provisions regarding the mediation procedure. This shows that the PERMA which discusses the Simple Lawsuit has a legal vacuum. So, case examiner judges use the judge's discretion related to the judge's attitude to break through the rigidity of the law by overriding the validity of the provisions of the law. [8]

Referring to as stated in the Minutes of Session in civil cases with number 15/Pdt.GS/2018/PN.Unr, the trial is declared open to the public. Then, the judge examining the case summons the litigating parties into the courtroom. Furthermore, the judge of the case explained to the Parties that they are required to take mediation as stipulated in Article 15 paragraph (1) of the Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. Makmur Pakpahan (2019) explains that judges are obliged to make peace efforts as stipulated in the PERMA Simple Lawsuit in Article 15 in paragraph (1).

In addition, the judge also explained that in the implementation of the reconciliation efforts carried out by the examining judge in the Simple Lawsuit that the judge could take the initiative to become a mediator judge. In this case, it can be seen that judges use their discretion to become mediator judges due to the legal vacuum related to the role of judges in mediating simple lawsuits. Then, the judge asked the Defendant regarding the receipt of a copy of the Simple Claim and the Defendant's understanding of the Plaintiff's lawsuit. If the Defendant does not understand the contents of the Plaintiff's lawsuit, the Judge with the principle of an active Judge provides an explanation of the contents of the lawsuit. However, if the Defendant understands the contents of the Plaintiff's claim, the judge examining the case provides an opportunity for the Plaintiff to read out his lawsuit.

The examining judge also directs the parties to discuss in stages the efforts that the two may take in order to end the dispute in guiding the communication process. There are several roles of mediators in this case of peace efforts in simple lawsuits, namely: [16]

a. Cultivate and maintain confidence between the parties.
b. Explain the process and educate the parties in terms of communication and strengthen a good atmosphere.
c. Help the parties to deal with the situation or reality.
d. Teach parties in bargaining process and skills.
e. Help the parties gather important information, and create options to facilitate problem solving.

Makmur Pakpahan (2019) says that judges must play an active role in seeking reconciliation in this Simple Lawsuit as has been confirmed in Article 14 paragraph (1) letters a and b in PERMA Number 2 of 2015 concerning Procedures for Settlement of this Simple Lawsuit which has an active role judges include, as follows:

f. Provide an explanation of the procedure for a simple lawsuit in a balanced manner to the Parties.
g. Striving for a peaceful settlement of cases, including suggesting to the parties to make peace efforts outside the trial.

Efforts to reconcile in the Simple Lawsuit were carried out and did not find a common ground from the two parties, namely the Plaintiff and the Defendant, the trial continued to the evidentiary stage. However, if the parties find a common ground in peace, the session will continue with the agenda of reading the peace deed which has been signed by the Parties and reading the decision of the case. The reading of the deed of reconciliation and the reading of the decision are carried out by the judge examining the case.

The explanation was emphasized by Latifiani and Ratnasari that it begins with the registration of the lawsuit in the district court and ends with the reading of the decision by a single judge. Starting with the stage of determining qualifications and analyzing the case is a simple lawsuit or not and checking the completeness of the files. If the case is a simple lawsuit, then it is continued at the preliminary examination stage by a single judge. Then, the judge examines the case, including a simple lawsuit or not. If the case is a simple lawsuit, then proceed to the examination of the principal case by summoning the parties. If both parties are present, on the first day of the trial, the judge will make peace efforts to the parties. However, If both parties are present, then on the first day of the trial, the judge will make peace efforts to the parties. However, if the case is not a simple lawsuit, then the case is an ordinary lawsuit.[17]

Referring to the decision with case number 7/Pdt.GS/2018/Pn.Unr. which is a case decision with the success of mediation efforts on a Simple Lawsuit. In this case, the stage of the trial in this case, namely on the first day of the trial on August 28, 2018 was the reading of the lawsuit by the Plaintiff and the implementation of mediation efforts assisted by the judge examining the case. However, the agreement of the parties has not been reached, so the judge decided that mediation efforts will be carried out at the next trial on Tuesday, September 4, 2018 with an answer and proof event.

On the second day of the trial in this case, the judge asked both parties about the results of the agreement between the two parties. However, there is no agreement between the parties and the judge scores at the trial so that both parties can negotiate. After the agreement between the Parties, the judge summons the Parties to enter the courtroom. Then, the Case Examining Judge in this case postponed and set a hearing on Thursday, September 6, 2018 with the delivery of a memorandum of peace agreement. At the next trial, the Defendant was not present at the trial. However, the judge examining the case explained that the trial was a reading of the deed of reconciliation which had been signed by the Parties. Due to the fact that the Defendant was not present at the trial, the Case Examining Judge provided another opportunity for the parties to continue to seek to sign the Deed of Peace Agreement which had been agreed upon by the Parties. Therefore, the Judge postponed and set a hearing on Thursday, September 13, 2018 with the delivery and reading of the peace agreement memorandum. At the session on Thursday, September 13, 2018, which was attended by both parties with the agenda of reading the deed of peace agreement signed by the Parties. However, the Defendant still objected to the agreement. Thus, the Case Examining Judge mediates to both parties. After the agreement between the Parties, the judge adjourned the trial and set the trial on Tuesday,

In the trial on September 18, 2018, it was the agenda for reading the Peace Deed. In addition, the judge examining the case reads the deed of reconciliation and reads the decision of the case. In the ruling on the case it is stated that:

1. Punish both parties to obey the contents of the agreed peace deed.
2. Sentencing the parties to pay the court fees jointly and severally in the amount of Rp. 396,000.00 (three hundred and ninety-six thousand rupiahs).

Referring to civil cases with case number 15/Pdt.GS/2019/Pn.Unr. is a civil case decision in a Simple Lawsuit with unsuccessful mediation efforts. Case number 15/Pdt.GS/2019/Pn.Unr. have not used PERMA Number 4 of 2019 but are still using PERMA Number 2 of 2015. In the first day of the trial which was held on Wednesday, May 29, 2019. In this case, the Defendant was not present at the trial and did not ask another legal person to represent him. Thus, the trial could not proceed. So, the judge examining the case decided to postpone the trial and set the next trial on Thursday, June 13, 2019 with the summons of the two Defendants.

At the hearing on Thursday, June 13, 2019, the Defendant again did not appear at the trial and did not order another legal person to represent him. Thus, peace efforts or mediation cannot be carried out. In the trial, the Plaintiff stated that there was a change in the lawsuit. Then, the judge examining the case allowed the Plaintiff to submit the evidence of the letter to the Judge Examining the case. After submitting the documentary evidence, the Case Examining Judge invited the Plaintiffs to present the Plaintiff's witnesses. However, the Plaintiffs were not prepared to present the witnesses. So, the judge adjourned the trial and set the hearing on Monday, June 24, 2019.

On Monday, June 24, 2019, it was the agenda for the examination of the Plaintiff's witnesses. In this case, the Defendant was not present at the trial and did not ask another legal person to represent him. Then, the judge suggested the Plaintiff to notify the Defendant to come to the trial because the proposed claim had been reduced from Rp. 36,294,000.00 (thirty six million two hundred ninety four thousand rupiah) to Rp. 23,383,000.00 (twenty three thousand rupiah). million three hundred eighty three thousand rupiah) it is possible that the Defendant is willing to make peace efforts and is willing to pay it. So, the judge adjourned the trial and set the trial on Tuesday, June 25, 2019.

On Tuesday, June 25, 2019, it was the agenda for examining the Plaintiff's witnesses. In the statement of the Plaintiff's witnesses, the Plaintiff did not object. However, at the next follow-up hearing, the Plaintiff presented another witness. Thus, the judge adjourned the trial and set the trial on Tuesday, July 9, 2019.

At the hearing on Tuesday, July 9, 2019 that the trial was again postponed because the Plaintiffs did not present witnesses again. Thus, the trial was adjourned and the trial was rescheduled for Tuesday, July 16, 2019.

At the trial on Tuesday, July 16, 2019, it was the agenda of the judge's decision. Thus, the judge read out the verdict as follows:

1. Declaring that the Defendants have never been present at the trial even though they have been legally and properly summoned;
2. Decide on this case without the presence of the Defendants;
3. Granted the Plaintiff's Claim in part;
4. To declare that according to the law the credit agreement between the Plaintiff and Defendant I and Defendant II is contained in the Credit Agreement number: 739/PK—A/SP/VIII/20 dated August 8, 2016;

5. To declare according to law that Defendant I and Defendant II have committed breach of contract and/or default;
6. Sentencing Defendant I and Defendant II to pay or settle all existing obligations and interest with the following details;

   The remaining principal debt is Rp. 10,627,000.00 (ten million six hundred and twenty seven thousand rupiah), the conventional interest of 1.5% per month is payable until this lawsuit is filed in the amount of Rp. 2,108,000.00 (two million one hundred and eight thousand rupiah) with late penalty and/or moratorium interest in the amount of Rp 5,648,000.00 (five million six hundred forty eight thousand rupiah);

   Also, non-moratorium compensation interest is Rp. 5,000,000.00 (five million rupiah);

   With a total obligation to be paid in the amount of Rp 23,383,000.00 (twenty three million three hundred eighty three thousand rupiah)
7. Reject the Plaintiff's claim for other than and the rest;
8. Sentencing Defendant I and Defendant II jointly and severally to pay court fees which until now have been calculated at Rp 581,000.00 (five hundred and eighty one thousand rupiahs).

In this case, it can be seen that in the implementation of peace efforts on a Simple Lawsuit in realizing the principles of Simple, Fast, and Low Cost as follows:

1. Simple Principle

   In both decisions, it can be seen that in case number 7/Pdt/GS/2018/Pn.Unr. which is a decision on the success of the mediation case. It can be seen that the stages of the trial are simpler. At the trial in this case an agreement has been reached between the parties. Thus, the next stage is the reading of the peace deed and the reading of the decision made by the judge. Meanwhile, in the decision on case number 15/Pdt.GS/2019/Pn.Unr. is a civil case in a simple lawsuit in which mediation efforts in this case were unsuccessful. Because the Defendant was not present at the trial. When mediation efforts fail or fail, the judge continues the trial with the stage of proof from the Plaintiff in the form of letters and witnesses. This shows that the case process with number 7/Pdt.GS
2. Quick Principle

   Referring to the decision of the case number 7/Pdt.GS/2018/Pn.Unr, it can be seen that the judge needs 16 (sixteen) working days to settle this case from the first day of trial until the readideed of reconciliation by the Case Examining Judge. In this case, the peace effort was carried out for 3 days. As Makmur Pakpahan (2019) has said, judges usually carry out peace efforts in the range of 2 to 3 days of trial.

   Meanwhile in case number 15/Pdt.GS/2019/Pn.Unr. the judge needs 29 (twenty nine) working days in deciding this case. In this case it can be seen that the success of mediation makes this case can be resolved quickly compared to the failure of mediation. It is the judge's authority to determine the trial schedule. Things that cause the trial to exceed the specified time limit. In this case, exceeding 25 (twenty five) working days is when the judge has or is about to apply for leave or the judge is scheduled to preside over another trial resulting in the judge exceeding the trial time limit as regulated in the PERMA Simple Lawsuit. Also, in the PERMA Simple Lawsuit, it is not regulated regarding sanctions against judges if the Simplified Claim trial exceeds the predetermined time limit.
3. Low Cost Principle

   In the decision with case number 7/Pdt.GS/2018/Pn.Unr. mentioned in the Amar Decision it is said that punishing the parties to pay the case jointly and severally in the amount of Rp. 396,000 (three hundred ninety six thousand rupiah) while in the Amar Decision in case number 15/Pdt.GS/2019/Pn.Unr. it is explained that to punish Defendant I and Defendant II jointly and severally to pay for the case which until now has been calculated at Rp. 581,000.00 (five

hundred and eighty one thousand rupiahs). This shows that the cost of the case for the successful mediation at the trial in the Simple Lawsuit is cheaper than the court fee for the failed mediation at the trial in the Simple Lawsuit.

Thus, the implementation of peace efforts in the Simple Lawsuit, namely:

1. If mediation in court goes well, it can reduce the accumulation of cases.
2. Successful mediation costs relatively less than failed mediation.

It is shown that in the decision with case number 7/Pdt.GS/2018/Pn.Unr. spend Rp 396,000 (three hundred and ninety six thousand rupiah). Meanwhile, in case number 15/Pdt.GS/2019/Pn.Unr. it is explained that to punish Defendant I and Defendant II jointly and severally to pay for the case which until now has been calculated at Rp. 581,000.00 (five hundred and eighty one thousand rupiahs). This shows that the cost of the case for the successful mediation at the trial in the Simple Lawsuit is cheaper than the court fee for the failed mediation at the trial in the Simple Lawsuit.

3. Settlement through mediation can shorten the time for litigation.

Implementing the Simple Lawsuit effort can realize the principle of being fast, free, and low-cost. The sooner a case can be resolved, the sooner the parties will get certainty in the form of a final decision. If the mediation effort is successful, the Court issues a peace deed. As in Referring to the decision of the case number 7/Pdt.GS/2018/Pn.Unr it can be seen that the judge

requires 16 (sixteen) working days to settle this case from the first day of trial until the reading of the deed of reconciliation by the Case Examining Judge. In this case, the peace effort was carried out for 3 days. Meanwhile in case number 15/Pdt.GS/2019/Pn.Unr. the judge needs 29 (twenty nine) working days in deciding this case. In this case it can be seen that the success of mediation makes this case can be resolved quickly compared to the failure of mediation. The reason for the mediation effort in a Simple Lawsuit can be resolved in less time before a period of 25 days, namely that the Plaintiff and Defendant must be present at the trial and can be accompanied by a legal counsel with the case examining judge who leads the mediation

If the mediation is successful, the court's decision in the form of a peace deed is final and binding. As explained in Article 130 of the HIR (Civil Procedure Law) that a legally made peace deed will be binding and have the same legal force as a court decision which has permanent legal force and cannot be appealed. The peace deed can only be canceled if its substance is contrary to the law.

The law is not the only source of law. So that judges and other officials have the widest possible freedom to make legal discoveries. So, judges do not just apply the law, but also extend and shape the rules and decisions of judges. Thus, judges have freise ermessen or the principle of discretion. The Freise Ermessen concept is a basic principle that aims to fill in deficiencies or complete the legality principle so that the ideals of a welfare law state can be realized because this principle gives the government the freedom to act, to carry out its duties without being bound by law.

So in this case, the judge examining the case on a simple lawsuit as explained in Article 15 paragraph (1) PERMA Number 2 of 2015 concerning Procedures for Settlement of a Simple Lawsuit that on the day of the first trial, the judge is obliged to seek reconciliation by taking into account the time limit of 25 days. . However, Article 15 paragraph (2) states that the settlement of a simple lawsuit excludes the provisions stipulated in the Supreme Court's provisions regarding the mediation procedure as referred to, namely PERMA Number 1 of 2016 concerning Mediation Procedures in Court. This shows that there is no clarity regarding the implementation of peace efforts in a Simple Lawsuit because the implementation of peace efforts is not regulated in detail in PERMA Number 2 of 2015. As stated in Article 10 of Law Number 48 of 2009 concerning Judicial Power which says that the Court is prohibited from refusing to examine, hear, and decide on a case that is submitted on the pretext that the law does not exist or is unclear. The legal basis for making peace efforts is Article 130 HIR/Article 154 RBG and uses the discretion of independent judges where this judge's discretion arises because the law does not regulate it or the provisions of the law are rigid so that they cannot be applied to a particular issue as it is. In this case, the judge may find a policy to fill in the blanVoid rules or determine other attitudes beyond what has been regulated in laws and regulations based on the best considerations to provide better benefits.

4 Conclusion

The results of research and discussion regarding Efforts to Reconcile Simple Lawsuits Based on Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settling Simple Lawsuits in Realizing the Fast, Simple, and Low Cost Principle (Study at the Ungaran District Court) can be concluded as follows:

1. The legal basis for conciliation in a Simple Lawsuit based on PERMA Number 2 of 2015 concerning Procedures for Settlement of a Simple Lawsuit is not clearly and in detail regulated in the PERMA. Judges are obliged to seek peace on the day of the first trial as stated in Article 15 paragraph (1) and by ignoring the provisions of the Supreme Court regarding the mediation procedure referred to by the Supreme Court Regulation (PERMA) Number 1 of 2016. . In an effort to reconcile the simple lawsuit overrides PERMA Number 1 of 2016 concerning Mediation Procedures in Court. Due to the mediation time limit in PERMA mediation, which is 30 days, while in a simple lawsuit, the time limit from the first trial to the decision is 25 working days. so, The judges of the Ungaran District Court used the legal basis of Article 154 HIR/Article 154 RBg. In Article 130 HIR and Article 154 RBg which confirms that judges are obliged to make peace efforts. Because PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits regarding peace efforts in Simple Lawsuits is not clearly regulated, judges use judges' discretion, namely free discretion. This discretion arises because there is a void in the rules or determines the attitude outside of what has been determined by the law which is best according to its own considerations with the aim of providing better benefits. Because PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits regarding peace efforts in Simple Lawsuits is not clearly regulated, judges use judges' discretion, namely free discretion. This discretion arises because there is a void in the rules or determines the attitude outside of what has been determined by the law, which is best according to its own considerations to provide better benefits. Because PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits regarding peace efforts in Simple Lawsuits is not clearly regulated, judges use judges' discretion, namely free discretion. This discretion arises because there is a void in the rules or determines the attitude outside of what has been determined by the law which is best according to its own considerations with the aim of providing better benefits.
2. The implementation of reconciliation efforts on simple lawsuits has been effective. Because the dispute that was tried in a simple lawsuit has been resolved by peaceful means, so that the simple lawsuit reconciliation effort has realized the principle of simplicity, speed and low cost. Taking into account the conclusions above, the suggestions put forward by the authors include: It is necessary to explain in detail about efforts to reconcile in a Simple Lawsuit in the laws and regulations in the laws and regulations. Thus, in the implementation of reconciliation efforts in Simple Lawsuits, there is no longer a legal vacuum as in PERMA concerning Simple Lawsuits in PERMA Number 2 of 2015 concerning Procedures for Settlement of Simple Laws, where there has been a legal vacuum regarding reconciliation efforts in simple lawsuits that are not regulated in detail in PERMA. thatThe need to be regulated in laws and regulations regarding special reasons for judges to override the time limit for a simple lawsuit, which is 25 (twenty five) working days as stated in Article 5 paragraph (2) of the PERMA regarding Simple Lawsuits.

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